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			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/573,580	Applicant(s) SAKOH ET AL.	
	Examiner SON T. HOANG	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>22 June 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status

1. This instant application having Application No. 10/573,580.

Claims 1-18 are pending in this instant Office action.

Oath/Declaration

2. The Applicant's oath/declaration has been reviewed by the Examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

Priority / Filing Date

3. The Applicant's claim for foreign priority of Japanese application No. 2003-339136 (filed on September 30, 2003) is confirmed. The Examiner takes the foreign filing date of September 30, 2003 into consideration.

Information Disclosure Statement

4. As required by **M.P.E.P. 609(C)**, the Applicant's submissions of the Information Disclosure Statement dated June 22, 2006 is acknowledged by the Examiner. The cited references have been considered in the examination of the claims now pending with the exception of the crossed out document since its publication date was later than the priority date of this instant application. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the Examiner is attached to the instant Office action.

Abstract

5. The abstract of the disclosure is acceptable for examination purposes.

Drawings

6. The drawings were received on March 24, 2006. These drawings are acceptable for examination purposes.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 17-18** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claim 17**, a “*contents acquisition program for ...*” is being claimed. However, the program can easily be interpreted by a person with ordinary skills in the art as software per se and functional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Regarding **claim 18**, an “*attributes information providing program to be executed by ...*” is being claimed. However, the program can easily be interpreted by a person with ordinary skills in the art as software per se and functional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

The claims above lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101.

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They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter

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sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. **Claims 1, 10, and 15-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (*Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama*) over Kuroda (*Pat. No. US 6,311,011, published on October 30, 2001*).

Regarding **claim 1**, Nakayama clearly shows and discloses a contents acquisition method (*Figures 9-10*) comprising:

a file request information transmission step of transmitting file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (*when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request*

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relaying means 1c receives the request and analyzes its content, [0035]. Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067]);

a file reception step of receiving the acquisition/use file corresponding to the file request information (The request relaying means 1c then acquires the server-side control file 2ba managed by the server 2a with respect to which the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035]);

a storage step of storing the acquisition/use file received in the file reception step (both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer, [0035]);

a determination step of determining if contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not (The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1

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includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]];

a contents request information transmission step of transmitting contents request information for requesting the contents data corresponding to the contents identification information to the external apparatus if it is determined in the determination step that the contents identification information is not registered in the database (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2*);

a data reception step of receiving the contents data transmitted from the external apparatus as a result of transmitting the contents request information to

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the external apparatus (*In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046]);*

a contents identification information storage step of storing the contents identification information as in-storage contents identification information when it is determined in the determination step that the contents identification information is registered in the database or when the reception of the contents data is completed in the data reception step (*Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);*

an attributes request information transmission step of transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information to the attributes information providing address in the acquisition/use file when the storage of the in-storage contents identification information is completed (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file*

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has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]);

an attributes information reception step of receiving the contents-attributes information corresponding to the attributes request information (After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]);

a contents attributes identification information storage step of storing the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information in the attributes information reception step (Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);

a registration step of registering the contents data and the contents attributes information in the database (The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing

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means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]).

Nakayama does not explicitly disclose the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database.

Kuroda discloses the video recorder/player records all of content signals in the storage device 105 via the temporary storage device 103. All of content signals are recorded to the temporary storage device 103. After completion of recording all of content signals to the temporary storage device 103, the content signals are copied into the storage device 105. After the video recorder/player has finished recording to the temporary storage device 103 at STEP S301, the video recorder/player moves the content signals from the temporary storage device 103 into the storage device selected at STEP S107 (STEP S302). The content signals recorded to the temporary storage device 103 may be deleted after completion of or in parallel with copying the content signals to the selected storage device ([Column 6, Lines 36-52]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Kuroda with the teachings of Nakayama for purpose of providing a fast and efficient way to

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access multimedia contents by facilitating the use of an electronic program guide ([Abstract] of Kuroda).

Regarding **claim 10**, Nakayama clearly shows and discloses an attributes information providing method to be used in a situation where contents data are already registered in a database or the reception of the contents data corresponding to the contents providing address in the acquisition request file transmitted from an external apparatus is completed after externally and storing an acquisition/use file containing a contents providing address corresponding to the acquisition request for contents data to an external apparatus and an attributes information providing address and before requesting the contents data corresponding to the contents providing address (*Figures 9-10*), the method comprising:

an attributes request information reception step of receiving attributes request information requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information transmitted in a condition where the contents identification information corresponding to the contents providing address is stored as in-storage contents identification information (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later*

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version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]); and

an attributes information transmission step of externally transmitting the contents attributes information of the contents data corresponding to the in-storage contents identification information in response to the attributes request information received in the attributes request information reception step (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]).*

Nakayama does not explicitly disclose the steps of temporarily storing the received files/information.

Kuroda discloses the video recorder/player records all of content signals in the storage device 105 via the temporary storage device 103. All of content signals are recorded to the temporary storage device 103. After completion of recording all of content signals to the temporary storage device 103, the content signals are copied into the storage device 105. After the video recorder/player has finished recording to the temporary storage device 103 at STEP S301, the video recorder/player moves the content signals from the temporary storage device 103 into the storage device selected at STEP S107 (STEP S302). The

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content signals recorded to the temporary storage device 103 may be deleted after completion of or in parallel with copying the content signals to the selected storage device ([Column 6, Lines 36-52]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Kuroda with the teachings of Nakayama for purpose of providing a fast and efficient way to access multimedia contents by facilitating the use of an electronic program guide ([Abstract] of Kuroda).

Regarding **claim 15**, Nakayama clearly shows and discloses a contents acquisition apparatus (*Figures 1-3*) comprising:

file request information transmission means for transmitting file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (*when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request relaying means 1c receives the request and analyzes its content, [0035]. Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067]*);

file reception means for receiving the acquisition/use file corresponding to the file request information transmitted by the file request information transmission means (*The request relaying means 1c then acquires the server-*

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side control file 2ba managed by the server 2a with respect to which the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035]);

storage means for storing the acquisition/use file received by the file reception means *(both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer, [0035]);*

determination means for determining if the contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not *(The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery*

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information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]];

contents request information transmission means for transmitting contents request information for requesting the contents data corresponding to the contents identification information to the external apparatus if it is determined by the determination means that the contents identification information is not registered in the database (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2*);

data reception means for receiving the contents data transmitted from the external apparatus as a result of transmitting the contents request information to the external apparatus by the contents request information transmission means (*In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request*

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from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046]);

contents identification information storage means for storing the contents identification information as in-storage contents identification information when it is determined by the determination means that the contents identification information is registered in the database or when the reception of the contents data is completed by the data reception means (*Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);*

attributes request information transmission means for transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information to the attributes information providing address in the acquisition/use file when the storage of the in-storage contents identification information by the contents identification information storage means is completed (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]);*

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attributes information reception means for receiving the contents attributes information corresponding to the attributes request information transmitted by the attributes request information transmission means (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]*);

contents attributes identification information storage means for storing the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information by the attributes information reception means (*Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]*);

registration means for registering the contents data and the contents attributes information in the database (*The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means*

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2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]); and

Nakayama does not explicitly disclose the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database.

Kuroda discloses the video recorder/player records all of content signals in the storage device 105 via the temporary storage device 103. All of content signals are recorded to the temporary storage device 103. After completion of recording all of content signals to the temporary storage device 103, the content signals are copied into the storage device 105. After the video recorder/player has finished recording to the temporary storage device 103 at STEP S301, the video recorder/player moves the content signals from the temporary storage device 103 into the storage device selected at STEP S107 (STEP S302). The content signals recorded to the temporary storage device 103 may be deleted after completion of or in parallel with copying the content signals to the selected storage device ([Column 6, Lines 36-52]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Kuroda with the teachings of Nakayama for purpose of providing a fast and efficient way to access multimedia contents by facilitating the use of an electronic program guide ([Abstract] of Kuroda).

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Regarding **claim 16**, Nakayama clearly shows and discloses an attributes information providing apparatus to be used in a situation where contents data are already registered in a database or the reception of the contents data corresponding to the contents providing address in the acquisition request file transmitted from an external apparatus is completed after externally and storing an acquisition/use file containing the contents providing address corresponding to the acquisition request for contents data to an external apparatus and before requesting the contents data corresponding to the contents providing address (*Figures 1-3*), the apparatus comprising:

attributes request information reception means for receiving attributes request information requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information transmitted in a condition where the contents identification information corresponding to the contents providing address is stored as in-storage contents identification information (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]*); and

attributes information transmission means for externally transmitting the contents attributes information of the contents data corresponding to the in-

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storage contents identification information in response to the attributes request information received by the attributes request information reception means (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]*).

Nakayama does not explicitly disclose the steps of temporarily storing the received files/information.

Kuroda discloses the video recorder/player records all of content signals in the storage device 105 via the temporary storage device 103. All of content signals are recorded to the temporary storage device 103. After completion of recording all of content signals to the temporary storage device 103, the content signals are copied into the storage device 105. After the video recorder/player has finished recording to the temporary storage device 103 at STEP S301, the video recorder/player moves the content signals from the temporary storage device 103 into the storage device selected at STEP S107 (STEP S302). The content signals recorded to the temporary storage device 103 may be deleted after completion of or in parallel with copying the content signals to the selected storage device ([Column 6, Lines 36-52]).

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It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Kuroda with the teachings of Nakayama for purpose of providing a fast and efficient way to access multimedia contents by facilitating the use of an electronic program guide ([Abstract] of Kuroda).

Regarding **claim 17**, Nakayama clearly shows and discloses a contents acquisition program (*Figures 1-3*) for causing an information processing apparatus to execute:

a file request information transmission step of transmitting file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (*when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request relaying means 1c receives the request and analyzes its content, [0035]. Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067]*);

a file reception step of receiving the acquisition/use file corresponding to the file request information (*The request relaying means 1c then acquires the server-side control file 2ba managed by the server 2a with respect to which the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035]*);

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a storage step of storing the acquisition/use file received in the file reception step (*both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer, [0035]*);

a determination step of determining if the contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]*);

a contents request information transmission step of transmitting contents request information for requesting the contents data corresponding to the

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contents identification information to the external apparatus if it is determined in the determination step that the contents identification information is not registered in the database (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2*);

a data reception step of receiving the contents data transmitted from the external apparatus as a result of transmitting the contents request information to the external apparatus (*In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046]*);

a contents identification information storage step of storing the contents identification information as in-storage contents identification information when it

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is determined in the determination step that the contents identification information is registered in the database or when the reception of the contents data is completed in the data reception step (*Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);*

an attributes request information transmission step of transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information to the attributes information providing address in the acquisition/use file when the storage of the in-storage contents identification information is completed (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085];*

an attributes information reception step of receiving the contents attributes information corresponding to the attributes request information (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the*

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latest contents even while the local computer 10 is thereafter used off-line,

[0099]);

a contents attributes identification information storage step of storing the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information in the attributes information reception step (*Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server,* [0080]);

a registration step of registering the contents data and the contents attributes information in the database (*The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb,* [0034]); and

Nakayama does not explicitly disclose the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database.

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Kuroda discloses the video recorder/player records all of content signals in the storage device 105 via the temporary storage device 103. All of content signals are recorded to the temporary storage device 103. After completion of recording all of content signals to the temporary storage device 103, the content signals are copied into the storage device 105. After the video recorder/player has finished recording to the temporary storage device 103 at STEP S301, the video recorder/player moves the content signals from the temporary storage device 103 into the storage device selected at STEP S107 (STEP S302). The content signals recorded to the temporary storage device 103 may be deleted after completion of or in parallel with copying the content signals to the selected storage device ([Column 6, Lines 36-52]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Kuroda with the teachings of Nakayama for purpose of providing a fast and efficient way to access multimedia contents by facilitating the use of an electronic program guide ([Abstract] of Kuroda).

Regarding **claim 18**, Nakayama clearly shows and discloses an attributes information providing program to be executed by an information processing apparatus in a situation where contents data are already registered in a database or the reception of the contents data corresponding to the contents providing address in the acquisition request file transmitted from an external apparatus is completed before externally and storing an acquisition/use file containing the

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contents providing address corresponding to the acquisition request for contents data to an external apparatus and after requesting the contents data corresponding to the contents providing address (*Figures 1-3*), the program comprising:

an attributes request information reception step of receiving attributes request information requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information transmitted in a condition where the contents identification information corresponding to the contents providing address is stored as in-storage contents identification information (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]; and*

an attributes information transmission step of externally transmitting the contents attributes information of the contents data corresponding to the in-storage contents identification information in response to the attributes request information received in the attributes request information reception step (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the*

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local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]).

Nakayama does not explicitly disclose the steps of temporarily storing the received files/information.

Kuroda discloses the video recorder/player records all of content signals in the storage device 105 via the temporary storage device 103. All of content signals are recorded to the temporary storage device 103. After completion of recording all of content signals to the temporary storage device 103, the content signals are copied into the storage device 105. After the video recorder/player has finished recording to the temporary storage device 103 at STEP S301, the video recorder/player moves the content signals from the temporary storage device 103 into the storage device selected at STEP S107 (STEP S302). The content signals recorded to the temporary storage device 103 may be deleted after completion of or in parallel with copying the content signals to the selected storage device ([Column 6, Lines 36-52]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Kuroda with the teachings of Nakayama for purpose of providing a fast and efficient way to access multimedia contents by facilitating the use of an electronic program guide ([Abstract] of Kuroda).

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12. **Claims 2-5**, and **11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (*Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama*) over Kuroda (*Pat. No. US 6,311,011, published on October 30, 2001*), and further in view of Ireton (*Pub. No. US 2002/0077984, published on June 20, 2002*).

Regarding **claims 2**, and **11**, Nakayama, as modified by Kuroda, does not disclose the contents attributes information includes right of use information that makes the contents data usable.

Ireton discloses receiving 405 media content (e.g., music, art, books) and identifying 410 rights to use associated with the media content. The rights to use may be embedded in the media content or otherwise associated with the media content. Such rights to use can specify, for example, the number of copies that can be available for playback at any given time. In response to no rights to use being identified, the process may include assigning 415 default rights to use to the media content ([0066]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Ireton with the teachings of Nakayama, as modified by Kuroda, for purpose of enabling protected media content to be shared between playback devices using the rights associated with the media contents ([Abstract] of Ireton).

Regarding **claims 3**, and **12**, Ireton further discloses the contents attributes information includes right of use information that makes the contents

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data reproducible (*The process also includes explicitly or implicitly transferring 425 a number of the rights to use to desired locations. For example, one location (e.g., playback device) might receive a single right to use, while another playback location (e.g., digital media server) receives four rights to use. Note that a number of the rights to use may be provided to a secure storage device for future distribution purposes. Further note that the distribution of the actual media content can be separate from the distribution of rights to use that media content, [0067]*).

Regarding **claims 4**, and **13**, Ireton further discloses the contents attributes information includes right of use information for increasing the number of times of copying the contents data stored in the storage medium to other storage mediums (*The process also includes explicitly or implicitly transferring 425 a number of the rights to use to desired locations. For example, one location (e.g., playback device) might receive a single right to use, while another playback location (e.g., digital media server) receives four rights to use. Note that a number of the rights to use may be provided to a secure storage device for future distribution purposes. Further note that the distribution of the actual media content can be separate from the distribution of rights to use that media content, [0067]*).

Regarding **claim 5**, Nakayama further discloses an acquisition start information temporary storage step of temporarily storing acquisition start information for starting acquisition of the contents data before the file request

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information transmission step (*Figure 9 shows step S1 as initializing information retained during the previous process before a request is communicated, [0070]*).

13. **Claims 6-9**, and **14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (*Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama*) over Kuroda (*Pat. No. US 6,311,011, published on October 30, 2001*), and further in view of Chun (*Pub. No. US 2004/0054650, filed on June 20, 2003*).

Regarding **claim 6**, Nakayama does not disclose the limitations of this instant claim.

Chun discloses:

an acquisition start information temporary in-storage determination step of determining if the acquisition start information is temporarily stored or not when a communicable state is restored from a break of the communication connection with the external apparatus (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status information lastly detected by the download status checker 250, [0045]*). When the file downloading apparatus 200 starts the user request download procedure, the CPU 230 of the mobile terminal determines whether or not the download status information of a requested file exists in the download status checker 250 at step S401, [0036];

an in-storage contents identification information temporary storage determination step of determining if the in-storage contents identification

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information is temporarily stored or not when it is determined that the acquisition start information is temporarily stored in the acquisition start information temporary in-storage determination step (*The download status checker 250 may obtain the download status information from the memory 240 or from its own storage 250a. In this embodiment, the presence of the download status information of a file implies that the download of that file has not been completed. The absence of the download status information implies that the download of the file is completed, [0036]*); and

a restoration time attributes request information transmission step of transmitting the attribute request information reacquiring the contents attributes information for altering the attributes of the contents data that correspond to the in-storage contents identification information to the attributes information providing address when it is determined that the in-storage contents identification information is temporarily stored in the in-storage contents identification information temporary storage determination step (*If the download status information of the requested file exists indicating incomplete downloading, the CPU 230 transmits this download status information and a download request signal to the contents server 150 (e.g., via the Internet 140 or other network) at step S402 and resumes the downloading of the file from the point at which the download was stopped in the previous download session at step S403. The download status information identifies to the contents server 150 the point in the file from which the download should be resumed, [0036]*).

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It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Chun with the teachings of Nakayama, as modified by Kuroda, for purpose of resuming downloading of the file from the point at which the download was stopped in the previous data transfer session even though the data transfer link is broken during the downloading of the file due to unexpected network problems or other problems using the download status checker ([Abstract] of Chun).

Regarding **claim 7**, the combination of Nakayama, Kuroda, and Chun, further discloses:

an acquisition/use file deletion step of deleting the acquisition/use file when the communicable state is restored from a break of the communication connection with the external apparatus (*The absence of the download status information implies that the download of the file is completed. It is well inherent that after the incomplete file has been completely downloaded, the temporarily stored status checker would be removed as well, [0036] of Chun*);

a file re-request information transmission step of transmitting a file re-request information requesting the updated acquisition/use file (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085] of Nakayama*);

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a file re-reception step of receiving the updated acquisition/use file corresponding to the file re-request information (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099] of Nakayama*);

an updated file storage step of storing the received updated acquisition/use file (*Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080] of Nakayama*); and

a contents identification information in-storage determination step of determining if the contents identification information corresponding to the contents providing address in the updated acquisition/use file is temporarily stored or not (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status information lastly detected by the download status checker 250, [0045]). When the file downloading apparatus 200 starts the user request download procedure, the CPU 230 of the mobile terminal determines whether or not the download status information of a requested file exists in the download status checker 250 at step S401, [0036] of Chun*),

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wherein the contents request information transmission step being adapted to transmit the contents request information requesting the contents data corresponding to the contents identification information to the external apparatus when it is determined that the contents identification information is not temporarily stored in the contents identification information temporary in-storage determination step (*In the meantime, when the download status information about the requested file does not exist in the download status checker 250, the CPU 230 transmits the download request signal to the contents server 150 without the download status information as shown at step S404 so as to download the file from the start of the file, e.g., the byte offset 0, at step S405, [0036] of Chun*).

Regarding **claim 8**, Chun further discloses:

a contents attributes identification information temporary in-storage determination step of determining if the contents attributes identification information corresponding to the contents identification information is temporarily stored on not when it is determined that the contents identification information is temporarily stored in the contents identification information temporary in-storage determination step (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status information lastly detected by the download status checker 250, [0045]*). *When the file downloading apparatus 200 starts the user request download procedure, the CPU 230 of the mobile terminal determines whether or not the*

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download status information of a requested file exists in the download status checker 250 at step S401, [0036]).

wherein the attributes request information transmission step being adapted to transmit the attributes request information requesting the contents attributes information corresponding to the contents attributes identification information to the attributes information providing address contained in the updated acquisition/use file when it is determined that the contents attributes identification information is not temporarily stored in the contents attributes identification information temporary in-storage determination step (*In the meantime, when the download status information about the requested file does not exist in the download status checker 250, the CPU 230 transmits the download request signal to the contents server 150 without the download status information as shown at step S404 so as to download the file from the start of the file, e.g., the byte offset 0, at step S405, [0036]).*

Regarding **claim 9**, Nakayama further discloses:

a registration determination step of determining if the contents attributes information corresponding to the contents attribute identification information and the contents data corresponding to the contents attributes information are registered in the database or not when it is determined that the contents attributes identification information is temporarily stored in the contents attributes identification information temporary in-storage determination step (*The version number of the file detected in Step S10 is compared with that of the file detected*

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in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, i.e. the later version has not been registered in the local system, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]),

wherein the registration step being adapted to register the contents data and the contents attributes information when it is determined that the contents data and the contents attributes information are not registered in the database in the registration determination step (*after the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]).*

Regarding **claim 14**, Nakayama further discloses a restoration time attributes request information reception step of receiving the attributes request information transmitted when the acquisition start information is temporarily stored and the in-storage contents identification information of the contents data is temporarily stored at the time when the communicable state is restored from a break of the communication connection (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status information lastly detected by the download status checker 250, [0045]). When the file downloading apparatus 200 starts the user*

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request download procedure, the CPU 230 of the mobile terminal determines whether or not the download status information of a requested file exists in the download status checker 250 at step S401. If the download status information of the requested file exists indicating incomplete downloading, the CPU 230 transmits this download status information and a download request signal to the contents server 150 (e.g., via the Internet 140 or other network) at step S402 and resumes the downloading of the file from the point at which the download was stopped in the previous download session at step S403. The download status information identifies to the contents server 150 the point in the file from which the download should be resumed, [0036]) although the acquisition start information indicating the start of acquisition of the contents data to the external apparatus is temporarily stored and the contents data and the contents attributes information corresponding to the contents data are registered in the database before temporarily storing the acquisition/use file but subsequently the acquisition start information and the in-storage contents identification information that are temporarily stored are erased (The absence of the download status information implies that the download of the file is completed. It is well inherent that after the incomplete file has been completely downloaded, the temporarily stored status checker would be removed as well, [0036]).

Conclusion

14. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Horn (*Pat. No. US 7,275,063*) teaches computer system for automatic organization, indexing and viewing of information from multiple sources.

Patel et al. (*Pat. No. US 7,162,486*) teaches system and method for representing named data streams within an on-disk structure of a file system.

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s).

This will assist the Examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 AM – 5:00 PM).

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T Hoang/
Examiner, Art Unit 2165
July 17, 2008

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